



**House
Legislative
Analysis
Section**

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VEHICLE CODE AMENDMENTS

RECEIVED

Senate Bill 127 (Substitute H-1)
First Analysis (7-27-89)

SEP 06 1989

Sponsor: Sen. James Barcia **Mich. State Law Library**
Senate Committee: State Affairs, Tourism and
Transportation
House Committee: Transportation

THE APPARENT PROBLEM:

County road commissions employ "weighmasters" who are empowered to stop vehicles and examine them for conformance with legal size and weight limits. When a district court ruled that weighmasters could not make arrests or issue citations for violations because they did not have police powers, the Vehicle Code was amended in 1984 to grant authorized agents of county road commissions police powers for the limited purpose of enforcing the code's height, weight and load restrictions. However, the 1984 amendment did not include authorization for weighmasters to enforce provisions concerning the operation of unregistered vehicles and load limits for vehicles crossing bridges and viaducts. Some people argue that this authority would seem to be a logical extension of the duties of weighmasters.

Further, the code currently provides for penalties to persons who violate weight, size, and speed limits on bridges, causeways, and viaducts, by assessing a minimum \$100 fine. Apparently, the penalty can be cost-prohibitive for some haulers (i.e. certain agricultural transporters, garbage trucks, etc.) in areas of the state where it is not possible to access their destinations without crossing a bridge whose weight limit they know their truck probably exceeds, albeit not by much. Some feel certain agricultural haulers, as well as persons transporting farm vehicles (slow-moving tractors, combines, etc.), should be exempt from the crossing provisions altogether, and that other haulers should be assessed penalties based on a sliding scale where a fine would increase depending on the degree to which a weight limit was exceeded.

Finally, the truck safety legislation enacted in 1988 imposes many new duties on the Department of State relative to preparing the state's commercial truck drivers for licensing under new standards required under federal law. Legislation to increase license and examination fees in order to finance the department's new duties is currently pending in a conference committee, and may not be enacted by October 1, when the new duties take effect. Thus, it has been suggested that the department's new responsibilities under Public Act 346 of 1988 be postponed until January 1, 1990.

THE CONTENT OF THE BILL:

The bill would amend the Michigan Vehicle Code in the following ways:

- The definition of "police officer" would be amended to include authorized agents of county road commissions for the purpose of enforcing limitations on the operation of unregistered commercial vehicles, and speed and load limitations on bridges, causeways and viaducts.

- The crossing provisions of the act would be amended to specify that persons violating the gross vehicle weight limits of public bridges, causeways, or viaducts (except for persons operating farm vehicles, or vehicles essential to a farm operation) would be responsible for a civil infraction and assessed a civil fine based on a vehicle's excess load weight. For an excess of more than 2,500 pounds but less than 3,000 pounds, the fine would be four cents per each pound over the limit; from 3,000 pounds to 4,000 pounds, six cents per excess pound; from 4,000 pounds to 5,000 pounds, eight cents per excess pound; and for over 5,000 pounds, ten cents per excess pound.
- The effective date of most sections of Public Act 346 of 1988 would be postponed from October 1, 1989 to January 1, 1990.

MCL 257.42 et al.

FISCAL IMPLICATIONS:

Fiscal information is not available.

ARGUMENTS:

For:

Granting weighmasters the authority to enforce limitations on the operation of unregistered commercial vehicles and loads transported across bridges and viaducts would help ensure motorist safety and the structural soundness of the state's roads and bridges. In addition, a sliding scale for persons violating the act's crossing provisions would be more equitable to those haulers who unwittingly cross bridges barely overweight, or have no option but to cross a bridge overweight in an area where bridges abound. The minimum \$100 penalty under current law makes transporting goods in some areas cost-prohibitive.

For:

It is necessary to delay implementation of Public Act 346 of 1988 until a funding source for the Department of State's new duties is in place.

POSITIONS:

The Department of Transportation supports the bill. (7-27-89)

The County Road Association of Michigan supports the bill. (7-27-89)

Michigan Farm Bureau supports the bill. (7-27-89)

The Department of State has no position on the bill. (7-27-89)